

## REMARKS

Claims 1-7, 10, 11, 13-22, and 24-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Backman et al. U.S. Patent No. 7,124,322 (hereinafter “Backman”). Claims 8, 9, 12, 22, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Backman in view of Neuman et al. U.S. PGPUB No. 20030217299.

In light of the foregoing rejections, a review of the present invention may help clarify the novelty of Applicants’ claims over the references under consideration. Referring to the written descriptions of Figures 1 and 2 of the application, a processor is booted with a standard operating kernel that supports normal operating conditions. Under normal operating conditions, data is stored in a volatile memory. If an abnormal operating condition that threatens the loss of data in the volatile memory is detected, the processor is rebooted with a data transfer kernel. Rebooting the processor clears the processor of any currently running processes and thereby enables the processor to run a data save operation supported by the data transfer kernel. The data save operation saves the data located in the volatile memory to a non-volatile storage device.

According to Applicants’ reading of Backman, the reference discloses a solution for saving data distinct in operation, objective, and perspective from the solution disclosed by the present invention. Referring to column 5 lines 56-67 and column 6 lines 25-45, Backman teaches a data restoration solution that includes backing up data stored on a work station hard drive through an imaging process during normal operations, rebooting the workstation to a restoring environment in response to a massive data loss or failure of the hard drive, and restoring the hard drive from the data images produced by the aforementioned imaging process. Therefore, Applicants’ read Backman as disclosing a hard drive restoration solution via previously generated data images.

In contrast to Backman, Applicants disclose a solution for saving data in volatile memory to a non-volatile memory in response to abnormal operating conditions. As such, Applicants respectfully assert that Backman and the present invention cover processes that are not only distinct in terms of claim elements, but are distinct in perspective and objectives as well.

Applicants respectfully assert, therefore, that Backman fails to anticipate the present

invention and also fails to provide a motivation to combine other references to render the present claims obvious. More particularly, Backman fails to disclose, suggest, teach, or provide a motivation for rapidly, deterministically transferring data that includes rebooting a processor with a data transfer kernel under an abnormal operating condition that threatens a loss of data in volatile memory and saving the data located in the volatile memory to a storage device via a data save operation.

### **Conclusion**

In order to further clarify the present invention, Applicants have amended independent claims 1, 10, 13, 17, 24, and 28 in addition to certain dependent claims. Applicants submit that the amendments sufficiently clarify the claimed subject matter and place the claims and their dependent claims in condition for allowance. In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

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